

**United States Department of the Interior
Bureau of Land Management**

**Categorical Exclusion
DOI-BLM-CO-SO50-2015-0023 CX**

July 2015

Big Bucktail Dam Feasibility Investigations

Location: Big Bucktail Creek, West Montrose County, Colorado

**U.S. Department of the Interior
Bureau of Land Management
Uncompahgre Field Office
2465 South Townsend Avenue
Montrose, CO 81401
Phone: (970) 240-5300**



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CATEGORICAL EXCLUSION

NUMBER: DOI-BLM-CO-S050-2015-0023 CX

CASE FILE: COC-77187

PROJECT NAME: Short Term Right-of-Way for Big Bucktail Dam and Reservoir Feasibility Investigations

PLANNING UNIT: San Juan/San Miguel Resource Management Unit

LEGAL DESCRIPTION:

New Mexico Principal Meridian, Colorado

T. 46 N., R. 14 W.,
sec. 3, lot 10;
sec. 6, lot 19.

T. 46 N., R. 15 W.,
sec. 1, lot 1 and SE1/4NE1/4;
sec. 12, NW1/4NW1/4.

T. 47 N., R. 14 W.,
sec. 31, lot 4, S1/2NE1/4, SE1/4NW1/4, E1/2SW1/4, N1/2SE1/4, and SW1/4SE1/4;
sec. 32, E1/2SW1/4, NW1/4SW1/4, and SW1/4SE1/4.

APPLICANT: Montrose County

DESCRIPTION OF PROPOSED ACTION: The proposed action is to issue a short term (up to 3 years) right-of-way to Montrose County to determine the feasibility of Big Bucktail Creek as a reservoir site. To accomplish the investigations, Montrose County needs to construct exploratory borings with a small drill rig and dig test pits with a backhoe. Access to the site will begin at Hwy 90, ½ mile east of the Nucla Power Plant, then cross the San Miguel River on private property, until reaching the CC ditch access road. Existing two-track spur roads off of the CC ditch road will be used to approach the sites. The Eastern CC ditch route will also be used, beginning 6.8 miles east of the Nucla power plant where Hwy 90 crosses the San Miguel River. It crosses about two miles of private land and 1.3 miles of BLM before reaching the site.

Exploratory borings will be constructed using a drilling rig and 4-wheel drive service vehicles. Existing 2-tracks will be used to reach the sites. Each of the exploratory boring sites (3) will require an area of disturbance of up to 30'x30'totaling approximately 0.021 acres. Each boring will take 6-8 days to complete depending on the depth reached, requiring daily access by

personnel and equipment. Water needed for drilling will be acquired offsite and hauled to the drill site by truck as needed. Return water will be released onsite by infiltration with a silt bag to remove sediment. It is anticipated that each bore site will require 5,000 gallons per day of water use or 40,000 gallons in 8 days. Assuming 20% evaporative losses, approximately 8,000 gallons of water would be depleted for each bore site or 24,000 gallons total. Once the bore hole is completed, a vibrating wire piezometer will be installed and grouted to the surface to monitor groundwater levels.

Test pits will be dug to investigate soil and rock materials for potential use in constructing the dam. A 4-wheel drive backhoe will be used to dig pits in 10 locations and will require cross-country travel. Each pit will be approximately 3' wide x15' long and as deep as the machine can dig. An area of 25'x25', totaling approximately 0.014 acres will be disturbed at each pit site and will be backfilled and returned to original condition as much as practical. It is anticipated each pit will take 2-4 hours to dig, sample, and backfill before moving to the next site.

The total anticipated disturbed area is 0.20 acres for the test pits and drilling sites. Approximately 0.28 miles of cross country travel would be driven by the backhoe and drill rig to reach the sites. With a 12' buffer applied to the 0.28 miles where minor blading may be needed, the overland travel will disturb approximately 0.41 acres. Any disturbance associated with the pits and sites as well as the cross country travel will be reclaimed. A total of approximately 2.95 miles of the existing CC Ditch access road would be used to access the investigation site.

The project is expected to take 6-8 weeks to complete with periodic follow up access on foot to monitor groundwater levels.

The right-of-way grant would be for a term of 3 years and would be authorized under FLPMA with the right of renewal.

The following design features would be attached to the ROW grant as stipulations (see Exhibit A).

Proposed Design Features

1. The holder shall contact the authorized officer at least two days prior to the anticipated start of construction and/or any surface disturbing activities. The authorized officer may require and schedule a preconstruction conference with the holder prior to the holder's commencing construction and/or surface disturbing activities on the right-of-way. The holder and/or his representative shall attend this conference. The holder's contractor, or agents involved with construction and/or any surface disturbing activities associated with the right-of-way, shall also attend this conference to review the stipulations of the grant.
2. The holder shall construct, operate, and maintain the facilities, improvements, and structures within this right-of-way in conformance with the application, maps and the well locations identified during the on-sites. Any relocation, additional construction, or use that is not in accord with the approved conditions shall not be initiated without the prior written approval of the authorized officer. A copy of the complete right-of-way grant, including all plans and stipulations shall be made available at the right-of-way site during construction. Noncompliance with the

above will be grounds for an immediate temporary suspension of activities if it constitutes a threat to public health or the environment.

3. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.
4. Pursuant to 43 CFR 10.4(g), the holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), holder must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.
5. The holder shall be responsible for weed control within the limits of the right-of-way. The holder is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods (within limits imposed in the grant stipulations), including pesticides/herbicides approved for use on BLM land. Weed management practices will include:
 - Clean equipment to remove weed seeds prior to use onsite
 - Monitor and spray/perform weed control as necessary
 - The holder and the holder's contractors will disinfect heavy equipment, hand tools, boots and any other equipment used previously in a river, lake, pond, or wetland, by routinely cleaning equipment using 140° water and high-pressure sprayers to remove dirt, mud and foreign debris before equipment is brought on-site
 - The holder and the holder's contractors will clean trucks and equipment at wash-stations in nearby towns or at the contractor's yard (off-site) to ensure that all equipment and vehicles shall be clean of all dirt and debris that can harbor weed seed.
 - Monitoring and control of noxious or invasive weeds attempting to establish within the project boundaries throughout the construction and production phases should be performed in coordination with routine maintenance activities and in accordance with state law.
 - The holder will monitor for and control noxious or invasive weeds throughout the construction and monitoring phases. Mandatory noxious weed control is required on the pads, drill holes, access roads, and off-road travel routes used by the holder for the life of the project.
6. Use of pesticides/herbicides shall comply with the applicable Federal and state laws. Pesticides/herbicides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides/herbicides, the holder shall obtain from the authorized officer written approval of the applicant's plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the authorized officer. The plan should be submitted no later than March 1 of any calendar year

to cover the proposed activities for the next growing season. Emergency use of pesticides/herbicides shall be approved in writing by the authorized officer prior to such use.

7. The holder shall comply with applicable State standards for public health and safety, environmental protection and siting, construction, operation and maintenance, if these State standards are more stringent than Federal standards for similar projects.
8. The holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated regarding toxic substances or hazardous materials. In any event, the holder shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, section 102b. A copy of any report required or requested by any federal agency of state government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency of State government.
9. The authorized officer may suspend or terminate in whole, or in part, any construction or maintenance activities, when in their judgment, unforeseen conditions arise which result in the approved terms and conditions being inadequate to protect the public health and safety or to protect the environment.
10. All construction, operation and maintenance shall be within the authorized limits of the right-of-way granted herein.
11. All brush, grasses, and other woody material cleared from the right-of-way shall be scattered on site.
12. No burning of trash, litter, trees, brush or other vegetative material shall be allowed under this grant.
13. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support such equipment. If the equipment creates ruts in excess of four (4) inches deep, the soil shall be deemed too wet to adequately support the construction equipment. Emergency repairs are exempt; however, any damages to resources caused by emergency repairs during wet conditions will be repaired as directed by the authorized officer as soon as possible after the occurrence.
14. The holder shall disturb and remove only the minimum amount of soils and vegetation necessary for the drilling, operation, and maintenance of the monitoring wells. Topsoil shall be conserved as applicable and reused as cover on disturbed areas to facilitate regrowth of vegetation. The holder shall recontour disturbed areas as necessary by grading to restore the area to approximately the original contour of the ground as directed by the authorized officer.

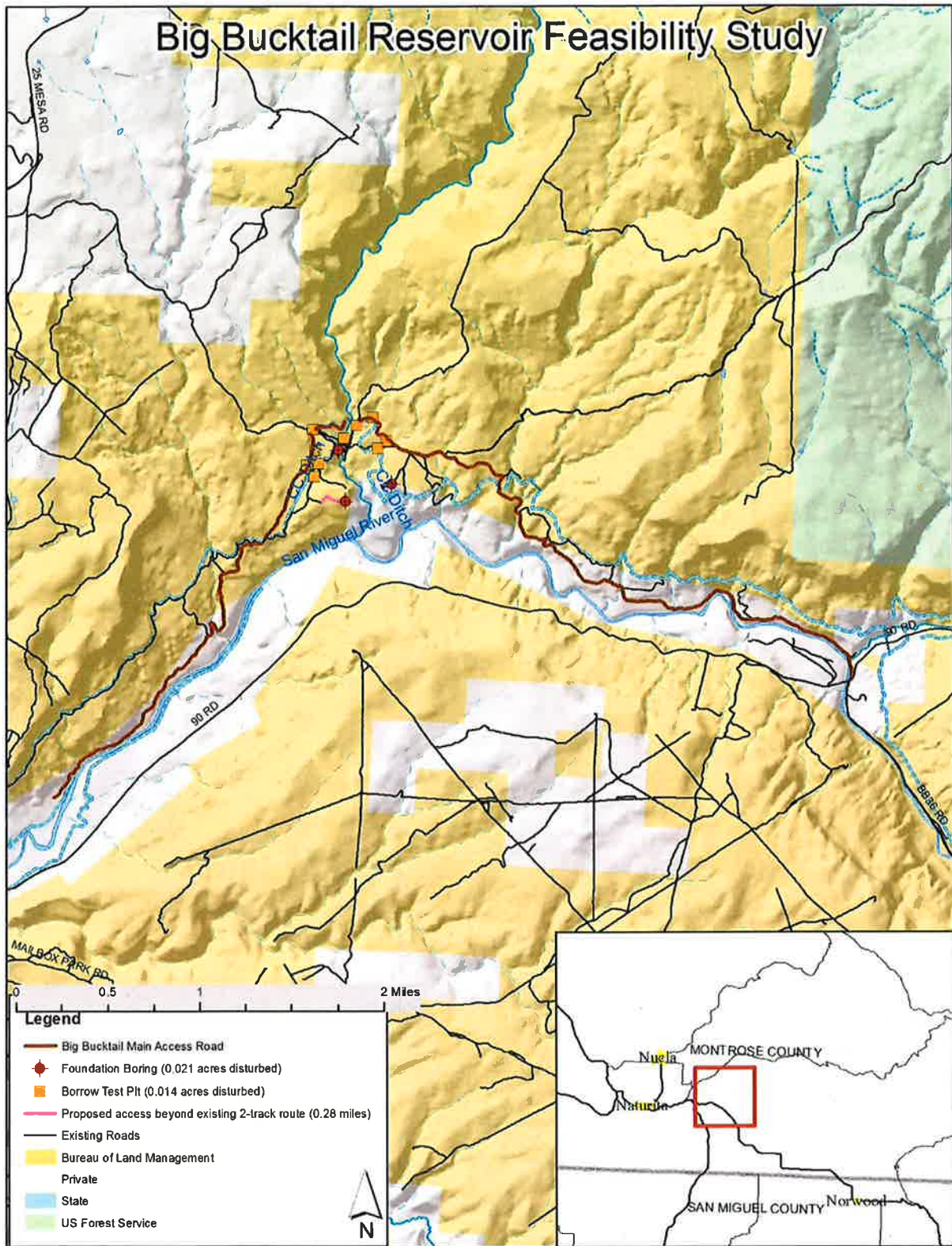
15. The holder shall seed all disturbed areas with the approved BLM seed mix. There shall be no primary or secondary noxious weed seed in the seed mixture. In addition, there should be no more than 0.5% total weed seed, less than 2% other seed, and no trash larger than one-quarter inch in length. Seed shall not be stored in burlap bags.

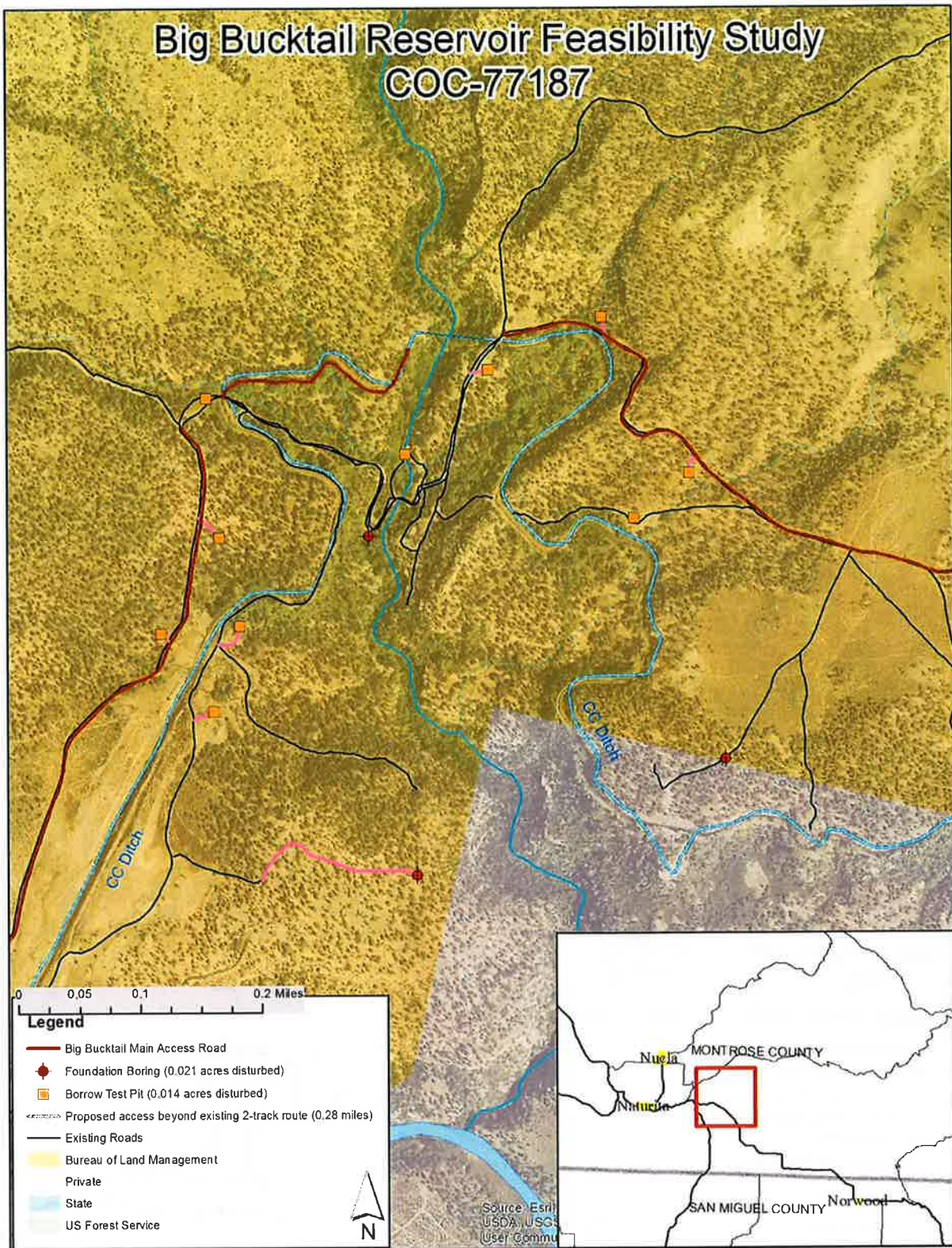
Standard Native Seed Mixes										
Sagebrush and Pinyon-Juniper Zone Mid Elevations (6,000-8,000')			PROJECT NAME: Big Bucktail Dam Investigations		Seeds Drilled					
			PROJECT ACRES: 0.61		Quantity of PLS Per Sq. Foot					
			DATE: 4/20/2015		Per Acre		PLS (BLM req)			
					Seeds/Pound (NRC)	(INPUT_DATA) Calc_1	Calc_6	Actual	PLS lbs of species	
Code	Common	Cultivar	Genus	species	(Granite)	Lbs PLS/acre	Col. G * Col. F	Col. H / 43560	% of mix	for project
EELS	BOTTLEBRUSH SQUIRRELTAIL	State Bridge (BLM Accession 9092275)	ELYMUS	elymoides	192000	2	384000.00	8.8	0.14	1.22
ACHY	INDIAN RICEGRASS	Rimrock	ACHNATHERUM	hymenoides	161920	2.5	404800.00	9.3	0.15	1.525
ELTR	Slender Wheatgrass	White River	Elymus	trachycaulus	159000	3	477000.00	11.0	0.18	1.83
PECY	BLUESTEM PENSTEMON*	UP	PENSTEMON	cyanocaulis	666000	0.25	164000.00	3.8	0.06	0.1525
HEAN	Annual Sunflower	VNS	Helianthus	annuus	58500	0.5	29250.00	0.7	0.01	0.305
LLEL2	LEWIS FLAX	Maple Grove	LINUM	lewisii spp. lewesii	170000	0.5	85000.00	2.0	0.03	0.305
SEMU	Aspen Fleabane	UP Dry Fork	Erigeron	speciosus	1600000	0.25	400000.00	9.2	0.15	0.1525
ACLA	WESTERN YARROW	UP or VNS	Achillea	millefolium	2770000	0.25	692500.00	15.9	0.26	0.1525
ATCA	Four-Wing Saltbush	VNS from western Colorado, E Utah	Atriplex	canescens	50000	0.3	15600.00	0.4	0.01	0.183
TOTAL						9.55	2652150	60.9	1.00	5.8255
* If Volumes not readily available substitute Rocky Mtn Penstemon (Bandera) If volume not available omit										

16. It is the holder's responsibility to comply with all applicable Federal, State, and local laws and regulations existing or hereafter enacted or promulgated.
17. Prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination and rehabilitation plan as necessary. This plan shall include, but is not limited to, removal of facilities, drainage structures, or surface material, recontouring, topsoiling, or seeding. The authorized officer must approve the plan in writing prior to the holder's commencement of any termination activities.
18. All surface disturbing project activities shall be completed prior to May 15 or after July 15 to avoid the primary nesting season for migratory birds and avoid the possibility of take of such species.

19. To protect wintering big game and crucial habitats, no surface disturbing activities shall occur from December 1 through April 15. Modifications to this restriction will be considered and evaluated according to the Uncompahgre Field Office policies.¹

1. Exceptions and modifications to standard restrictions and protection measures must be requested in writing to the BLM authorized officer. Such requests are evaluated on a case-by-case basis and may be granted by a BLM authorized officer depending on animal or herd status, topographic characteristics, site context, weather severity, and other factors, provided species and habitats are adequately protected. Any modifications to prescribed restrictions, and the rationale behind those decisions, will be documented in the project case file(s). In some cases, site characteristics and/or conditions may warrant expanding buffer distances to ensure adequate protection of species.





PLAN CONFORMANCE REVIEW: The Proposed Action is subject to and has been reviewed for conformance with the following plan (43 CFR 1610.5):

Name of Plan: San Juan/San Miguel Planning Area Resource Management Plan

Date Approved: September 1985

Decision Language: "Allow other land actions when they will result in minimal adverse impacts, when they will be beneficial to soils and water management, or when there is a clear and significant public need."

CATEGORICAL EXCLUSION REVIEW: The proposed action qualifies as a categorical exclusion under 516 DM 11.9, Number: E(19) which allows for issuance of short-term (3 years or less) rights-of-way or land use authorizations for such uses as storage sites and construction sites where the proposal includes rehabilitation to restore the land to its natural or original condition, and under 516 DM 11.9, Number J(3), which allows for "conducting preliminary hazardous materials assessments and site investigations, site characterization studies and environmental monitoring. Included are siting, construction, installation and/or operation of small monitoring devices such as wells, particulate dust counters and automatic air or water samples"; and 516 DM 11.9, Number J(6) which allows for "a single trip in a one month period for data collection or observation sites."

None of the following exceptions in 516 DM 2, Appendix 2, apply.

Exclusion	YES	NO
1. Have significant adverse effects on public health and safety.	___	<u>X</u>
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands, floodplains; national monuments; migratory birds; and other ecologically significant or critical areas.	___	<u>X</u>
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.	___	<u>X</u>
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	___	<u>X</u>
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.	___	<u>X</u>
6. Be directly related to other actions with individually insignificant but cumulatively significant environmental effects.	___	<u>X</u>
7. Have significant impacts on properties listed, or eligible for listing, in the National Register of Historic Places.	___	<u>X</u>
8. Have significant impacts on species listed, or proposed to be listed,	___	<u>X</u>

- on the List of Endangered or Threatened Species, or have adverse effects on designated Critical Habitat for these species. _____ X
9. Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment. _____ X
10. Have disproportionately high and adverse effect on low income or minority populations. _____ X
11. Limit access to and ceremonial use of Indian sacred sites by Indian religious practitioners or adversely affect the physical integrity of such sacred sites. _____ X
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species. _____ X

INTERDISCIPLINARY REVIEW:

<u>Name</u>	<u>Title</u>	<u>Area of Responsibility</u>
Ken Holsinger	Wildlife Biologist	T&E and sensitive species
Glade Hadden	Archaeologist	Cultural resources and Native American Religious Concerns
Nick Szuch	Realty Specialist	Lands and Realty
Jedd Sondergard	NEPA Coordinator	NEPA review

REMARKS:

Lands and Realty: By Secretarial Order the E1/2SW1/4 and the SE1/4 of section 31 and the SW1/4 and W1/2SE1/4 of section 32 of T. 47 N., R. 14 W., N.M.P.M. have been withdrawn as a Power Site Classification. This will not have an impact on the feasibility study, but a petition to the Secretary will need to be processed in order to proceed from the feasibility phase to the construction phase if this site has been determined suitable for a reservoir.

Cultural Resources: The proposed drill holes, test pits and access routes have been inventoried for Cultural Resources during a Class III inventory of the project. There are no known or anticipated National Register or otherwise eligible historic properties within the proposed project area, and no further work is required.

Native American Religious Concerns: There are none known or anticipated. Tribal consultation has been completed for the initial project and none of the three Ute tribes consulted has indicated a request for further consultation at this point in the process. All three tribes consulted have requested further information if the project proceeds beyond the testing phase.

Threatened and Endangered Species: There are no threatened, endangered, or candidate species to the Endangered Species Act nor species considered sensitive by the BLM that currently occupy or derive import use of the proposed right-of-way or the surrounding vicinity.

To minimize impacts on migratory bird populations, it is recommended that no surface disturbing activities occur from May 15 through July 15. This timeframe encompasses the core

To minimize impacts on migratory bird populations, it is recommended that no surface disturbing activities occur from May 15 through July 15. This timeframe encompasses the core breeding season for the majority of migratory birds in the project area. Project activities shall retain and avoid modifying identified cavity trees, snags, and perches in the project area.

To protect wintering big game and crucial habitats, no surface disturbing activities shall occur from December 1 through April 30. Any exceptions to this requirement must have prior written approval from the authorized officer.

NAME OF PREPARER: Jedd Sondergard

NAME OF ENVIRONMENTAL COORDINATOR: Jedd Sondergard

DATE: 7/1/15

COMPLIANCE WITH NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, E(19) J(3) and J(6). This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2 apply.

SIGNATURE OF AUTHORIZED OFFICIAL:

Barbara Sharrow

Barbara Sharrow,
Uncompahgre Field Office, Field Manager

DATE SIGNED: 7-6-15

Proponent Design Features
STIPULATIONS

1. The holder shall contact the authorized officer at least two days prior to the anticipated start of construction and/or any surface disturbing activities. The authorized officer may require and schedule a preconstruction conference with the holder prior to the holder's commencing construction and/or surface disturbing activities on the right-of-way. The holder and/or his representative shall attend this conference. The holder's contractor, or agents involved with construction and/or any surface disturbing activities associated with the right-of-way, shall also attend this conference to review the stipulations of the grant. The BLM authorized representative is Barney Buria, Environmental Protection Specialist, who can be reached at the Uncompahgre Field Office, 2465 South Townsend, Montrose, Colorado 81401 or phone at (970) 240-5333. An alternate contact is Nick Szuch, Realty Specialist, Uncompahgre Field Office, (970) 240-5322.
2. The holder shall construct, operate, and maintain the facilities, improvements, and structures within this right-of-way in conformance with the application, maps and the well locations identified during the on-sites. Any relocation, additional construction, or use that is not in accord with the approved conditions shall not be initiated without the prior written approval of the authorized officer. A copy of the complete right-of-way grant, including all plans and stipulations shall be made available at the right-of-way site during construction. Noncompliance with the above will be grounds for an immediate temporary suspension of activities if it constitutes a threat to public health or the environment.
3. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.
4. Pursuant to 43 CFR 10.4(g), the holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.
5. Use of pesticides/herbicides shall comply with the applicable Federal and state laws. Pesticides/herbicides shall be used only in accordance with their registered uses and within

acceptable weed control methods (within limits imposed in the grant stipulations), including pesticides/herbicides approved for use on BLM land. Weed management practices will include:

- Clean equipment to remove weed seeds prior to use onsite
 - Monitor and spray/perform weed control as necessary
 - The holder and the holder's contractors will disinfect heavy equipment, hand tools, boots and any other equipment used previously in a river, lake, pond, or wetland, by routinely cleaning equipment using 140° water and high-pressure sprayers to remove dirt, mud and foreign debris before equipment is brought on-site
 - The holder and the holder's contractors will clean trucks and equipment at wash-stations in nearby towns or at the contractor's yard (off-site) to ensure that all equipment and vehicles shall be clean of all dirt and debris that can harbor weed seed.
 - Monitoring and control of noxious or invasive weeds attempting to establish within the project boundaries throughout the construction and production phases should be performed in coordination with routine maintenance activities and in accordance with state law.
 - The holder will monitor for and control noxious or invasive weeds throughout the construction and monitoring phases. Mandatory noxious weed control is required on the pads, drill holes, access roads, and off-road travel routes used by the holder for the life of the project.
6. Use of pesticides/herbicides shall comply with the applicable Federal and state laws. Pesticides/herbicides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides/herbicides, the holder shall obtain from the authorized officer written approval of the applicant's plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the authorized officer. The plan should be submitted no later than March 1 of any calendar year to cover the proposed activities for the next growing season. Emergency use of pesticides/herbicides shall be approved in writing by the authorized officer prior to such use.
7. The holder shall comply with applicable State standards for public health and safety, environmental protection and siting, construction, operation and maintenance, if these State standards are more stringent than Federal standards for similar projects.
8. The holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated regarding toxic substances or hazardous materials. In any event, the holder shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess

of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, section 102b. A copy of any report required or requested by any federal agency of state government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency of State government.

9. The authorized officer may suspend or terminate in whole, or in part, any construction or maintenance activities, when in their judgment, unforeseen conditions arise which result in the approved terms and conditions being inadequate to protect the public health and safety or to protect the environment.
10. All construction, operation and maintenance shall be within the authorized limits of the right-of-way granted herein.
11. All brush, grasses, and other woody material cleared from the right-of-way shall be scattered on site.
12. No burning of trash, litter, trees, brush or other vegetative material shall be allowed under this grant.
13. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support such equipment. If the equipment creates ruts in excess of four (4) inches deep, the soil shall be deemed too wet to adequately support the construction equipment. Emergency repairs are exempt; however, any damages to resources caused by emergency repairs during wet conditions will be repaired as directed by the authorized officer as soon as possible after the occurrence.
14. The holder shall disturb and remove only the minimum amount of soils and vegetation necessary for the drilling, operation, and maintenance of the monitoring wells. Topsoil shall be conserved as applicable and reused as cover on disturbed areas to facilitate regrowth of vegetation. The holder shall recontour disturbed areas as necessary by grading to restore the area to approximately the original contour of the ground as directed by the authorized officer.
15. The holder shall seed all disturbed areas with the following seed mix. There shall be no primary or secondary noxious weed seed in the seed mixture. In addition, there should be no more than 0.5% total weed seed, less than 2% other seed, and no trash larger than 1/4 inch in length. Seed shall not be stored in burlap bags.

Seed going on projects less than 20 acres or less than 200 lbs. shall be tested, and the viability testing of seed shall be done in accordance with State law(s). Seed tests shall be less than one year old and can be from the company's seed test. Seed test documents can be from: a) certified "blue" tag(s); b) an independent seed lab test; or c) a seed lab analysis either by seed lot or by seed mix. Copies of the seed test documents shall be forwarded to the BLM, Uncompahgre Field Office. Commercial seed shall be either certified or

registered pure live seed (PLS). The seed container shall be tagged in accordance with State law(s) and available for inspection by the authorized officer.

Copies of the seed test documents shall be forwarded to the BLM, Uncompahgre Field Office, regardless of project size. Seed tests must be less than one year old and commercial seed shall be either certified or registered pure live seed (PLS). The seed container shall be tagged in accordance with State law(s) and available for inspection by the authorized officer. Only State Certified weed free mulch shall be used.

The seed shall be evenly and uniformly planted over any disturbed areas. Seed shall be broadcast and the area shall be raked or chained to cover the seed. The seeding will be repeated until a satisfactory stand is established as determined by the authorized officer. Evaluation of growth will not be made before completion of the second growing season after seeding. The authorized officer is to be notified a minimum of two days prior to seeding of the project. Seeding shall be completed at a time of optimum soil moisture content, i.e., early spring or the fall.

Standard Native Seed Mixes										
<div>Sagebrush and Pinyon-Juniper Zone</div> <div>Mid Elevations (6,000-8,000')</div>			PROJECT NAME: Big Bucktail Dam Investigations		Seeds Drilled					
			PROJECT ACRES: 0.61		Quantity of PLS Per Sq. Foot					
			DATE: 4/20/2015		Per Acre					
					PLS (BLM req)					
Code	Common	Cultivar	Genus	species	Seeds/Pound (NRCs)(Granite)	(INPUT_DATA) Lbs PLS/acre	Col. G * Col. F	Col. H / 43560	Actual	PLS lbs of species for project
ELE5	BOTTLEBRUSH SQUIRRELTAIL	State Bridge (BLM Accession 9092275)	ELYMUS	elymoides	192000	2	384000.00	8.8	0.14	1.22
ACHY	INDIAN RICEGRASS	Rimrock	ACHNATHERUM	hymenoides	161920	2.5	404800.00	9.3	0.15	1.525
ELTR	Slender Wheatgrass	White River	Elymus	trachycaulus	159000	3	477000.00	11.0	0.18	1.83
PECY	BLUESTEM PENSTEMON*	UP	PENSTEMON	cyanocaulis	656000	0.25	164000.00	3.8	0.06	0.1525
HEAN	Annual Sunflower	VNS	Helianthus	annuus	58500	0.5	29250.00	0.7	0.01	0.305
LILE2	LEWIS FLAX	Maple Grove	LINUM	lewisii spp. lewesii	170000	0.5	85000.00	2.0	0.03	0.305
SEMU	Aspen Fleabane	UP Dry Fork	Erigeron	speciosus	1600000	0.25	400000.00	9.2	0.15	0.1525
ACLA	WESTERN YARROW	UP or VNS	Achillea	millefolium	2770000	0.25	692500.00	15.9	0.26	0.1525
ATCA	Four-Wing Saltbush	VNS from western Colorado, E Utah	Atriplex	canescens	52000	0.3	15600.00	0.4	0.01	0.183
TOTAL						9.55	2652150	60.9	1.00	5.8255
* If Volumes not readily available substitute Rocky Mtn Penstemon (Bandera) If volume not available omit										

- It is the holder's responsibility to comply with all applicable Federal, State, and local laws and regulations existing or hereafter enacted or promulgated.

17. Prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination and rehabilitation plan as necessary. This plan shall include, but is not limited to, removal of facilities, drainage structures, or surface material, recontouring, topsoiling, or seeding. The authorized officer must approve the plan in writing prior to the holder's commencement of any termination activities.
18. All surface disturbing project activities shall be completed prior to May 15 or after July 15 to avoid the primary nesting season for migratory birds and avoid the possibility of take of such species.
19. To protect wintering big game and crucial habitats, no surface disturbing activities shall occur from December 1 through April 15. Modifications to this restriction will be considered and evaluated according to UFO policies.¹

¹ Exceptions and modifications to standard restrictions and protection measures must be requested in writing to the BLM authorized officer. Such requests are evaluated on a case-by-case basis and may be granted by a BLM biologist depending on animal or herd status, topographic characteristics, site context, weather severity, and other factors, provided species and habitats are adequately protected. Any modifications to prescribed restrictions, and the rationale behind those decisions, will be documented in the project case file(s). In some cases, site characteristics and/or conditions may warrant expanding buffer distances to ensure adequate protection of species.

**U.S. Department of the Interior
Bureau of Land Management
Uncompahgre Field Office
2465 South Townsend Avenue
Montrose, CO 81401**

Decision Record

(DOI-BLM-CO-S050-2015-0023 CX)

PROJECT NAME: Short Term Right-of-Way for Big Bucktail Dam and Reservoir Feasibility Investigations

DECISION: It is my decision to issue a right-of-way to Montrose County for dam and reservoir feasibility investigations.

The ROW will contain a total of approximately 0.61 acres. The total anticipated disturbed area is 0.20 acres for the 3 test pits and the 10 drilling sites. Approximately 0.28 miles of cross country travel will be driven by the backhoe and drill rig to reach the sites. With a 12' buffer applied to the 0.28 miles where minor blading may be needed, the overland travel will disturb approximately 0.41 acres. Any disturbance associated with the pits and sites as well as the cross country travel will be reclaimed. A total of approximately 2.95 miles of the existing CC Ditch access road will be used to access the investigation site.

The right-of-way grant would be for a term of 3 years and would be authorized under FLPMA with the right of renewal. The right-of-way would be subject to the attached stipulations which were proposed as design features (see Exhibit A).

MITIGATION MEASURES: All stipulations shown in Exhibit A of the Categorical Exclusion (CX) will be followed.

RATIONALE:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, E(19), J(3), and J(6). This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2 apply.

COMPLIANCE WITH MAJOR LAWS and CONFORMANCE WITH LAND USE PLAN:

The decision is in compliance with applicable laws, regulations and policy, including the Endangered Species Act, Migratory Bird Treaty Act and National Historic Preservation Act. It is also in conformance with the San Juan/San Miguel RMP.

PUBLIC COMMENT:

The BLM informed the public about this project by listing it on the online Uncompahgre Field Office NEPA Register and a copy of the completed Categorical Exclusion will be posted on the NEPA website.

ADMINISTRATIVE REMEDIES:

If you are adversely affected by this decision, within 30 days of receipt of this decision you have the right of appeal to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations at 43 CFR §4.400.

NAME OF PREPARER: Jedd Sondergard

NAME OF ENVIRONMENTAL COORDINATOR:  Jedd Sondergard

DATE 7/1/15

SIGNATURE OF AUTHORIZED OFFICIAL



Barbara Sharrow
Field Manager
Uncompahgre Field Office

DATE SIGNED 7-6-15

ATTACHMENTS:

1. Exhibit A – Stipulations